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SENATE

{ REPORT
{ No. 2029

WILLIAM J. MARTIN

JULY 1 (legislative day, JUNE 27), 1952.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 6356]

The Committee on the Judiciary, to which was referred the bill (H. R. 6356) for the relief of William J. Martin, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of this private bill is to authorize and direct the cancellation of the indebtedness of William J. Martin, in the amount of \$146.86, which sum arose out of the transportation of his household goods from Leland, Miss., to Arlington, Va., while he was an employee of the United States Department of Agriculture in September 1947.

STATEMENT

Mr. William J. Martin was employed as a cotton technologist by the Department of Agriculture. His official station was changed from Stoneville, Miss., to Washington, D. C., in 1946. Transportation for himself, his family, and his household goods was authorized in accordance with Executive Order 8588 of November 7, 1940, as amended, and Executive Order 9743 of June 26, 1946. Under the provisions of these orders the maximum weight of household goods for which the United States would compensate Mr. Martin was 5,000 pounds.

When Mr. Martin arrived in Washington in September 1946 he was unable to find accommodations for his family. It was for that reason that the shipment of his household goods were delayed until September 1947. The authorization from transportation was however extended in September 1946 under date of July 1, 1947.

During this very same period, the regulations governing the payment of transportation expenses of employees of the United States when transferred from one official station to another were changed by Executive Order 9805, effective November 1, 1946. The provisions of this order raised the maximum weight for which payment would be made by the United States for the movement of household goods from 5,000 to 7,000 pounds.

The actual weight of Mr. Martin's shipment was 7,480, and he paid the United States \$35.25 to cover the cost of transporting the 480 pounds which was in excess of the allowable weight. Nonetheless, Mr. Martin was required to pay an additional \$146.86 to the United States under the provisions of section 9 of Executive Order 9805 since the original travel authorization issued to him in September 1946 provided that Executive Order No. 8588 of November 7, 1940, as amended, and Executive Order No. 9843 of June 26, 1946, should apply. These orders limited the allowable shipping weight to 5,000 pounds.

The Department of Agriculture recommended this claim for two reasons: (1) The delay was not the fault of the claimant since he experienced difficulties in obtaining family living quarters on arrival in Washington; and (2) the claimant had substantial difficulties in interpreting the regulations governing actual weight allowance. Without passing on the merits of these conclusions, the committee is of the opinion that this bill should be considered favorably because of a broader policy. When an existing statute or regulation is amended by increasing its benefits all persons covered by such a statute or regulation should be allowed to come within the intended provisions unless a contrary intent, whether express or implied, is manifested in the statute or regulation.

The report of the Department of Agriculture, dated April 25, 1952, is set forth in its entirety below and attention is directed to the House Report No. 2119 to accompany H. R. 6356, Eighty-second Congress, second session.

DEPARTMENT OF AGRICULTURE,
Washington, April 25, 1952.

HON. EMANUEL CELLER,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.*

DEAR MR. CELLER: This is in reply to your request of February 1, 1952, for a report on H. R. 6356, a bill for the relief of William J. Martin.

The records of this Department reveal that in September 1946 the official station for William J. Martin, employed as a cotton technologist, was changed from Stoneville, Miss., to Washington, D. C. Transportation for himself, his family and his household goods was authorized in accordance with regulations covering transfer from one official station to another, then current, namely, Executive Order 8588 of November 7, 1940, as amended, and Executive Order 9743 of June 26, 1946, under the provisions of which the maximum weight for which payment would be made by the Government for movement of household goods in Mr. Martin's case was 5,000 pounds.

Upon arrival in Washington in September 1946, Mr. Martin experienced difficulty in obtaining family living quarters with the result that the moving of his household goods from Leland, Miss., to Washington, D. C., was delayed until September 1947. Because of this delay, the transportation authorized in September 1946 was extended under date of July 1, 1947.

In the meantime, the regulations governing payment of transportation expenses of employees of the Government when transferred from one official station to another were changed by Executive Order 9805, effective November 1, 1946. Under the provisions of this order the maximum weight for which payment would

be made by the Government for movement of household goods was increased from 5,000 pounds to 7,000 pounds. Mr. Martin has indicated that it was his understanding that at the time his household goods were moved in September 1947 the regulations then current providing for a maximum weight of 7,000 pounds would cover the shipment.

Since the actual weight of his shipment was 7,480 pounds, he paid the Government \$35.25 to cover the cost of transporting the 480 pounds recognized as in excess of the allowable weight. However, under the provisions of section 9 of Executive Order 9805, Mr. Martin is required to pay an additional \$146.86 to the Government inasmuch as the original travel authorization issued to him is dated September 1946. Section 9 reads as follows:

"These regulations shall not be applicable in case of change of station which is ordered prior to November 1, 1946, and is incomplete on that date, but in such case the provisions of Executive Order No. 8588 of November 7, 1940, as amended, and Executive Order No. 9743 of June 26, 1946, shall control."

In view of Mr. Martin's statement relative to difficulty experienced in obtaining family living quarters on arrival in Washington and the further difficulty regarding interpretation of regulations governing actual weight allowance in connection with the transportation of his household goods, this Department recommends that the bill be passed, provided the text thereof is amended in part to read essentially as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States is hereby authorized and directed to cancel the indebtedness of William J. Martin, in the amount of \$146.86 arising out of the transportation of his household goods from Leland, Mississippi to Arlington, Virginia, while he was an employee of the United States Department of Agriculture in September 1947."

The amended text, as suggested above, is necessary in view of the fact that the Government has paid the carrier involved for the total cost of moving Mr. Martin's household goods and the purpose of the bill would definitely be to relieve Mr. Martin of liability for payment to the United States of \$146.86 rather than reimbursing him in that amount for a payment he has not made as stated in the wording of the proposed bill.

The Bureau of the Budget advises that, from the standpoint of the program of the President, there is no objection to the submission of this report.

Sincerely yours,

K. T. HUTCHINSON,
Assistant Secretary.

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